

CALENDAR ITEM

C82

A 72

04/23/15

S 34

PRC 7304.1

A. Franzoia

GENERAL LEASE – OTHER

APPLICANT:

Portofino Cove Yacht Association, A California Non-Profit Mutual Benefit Corporation

AREA, LAND TYPE, AND LOCATION:

2.07 acres, more or less, of sovereign land in the Main and Bolsa Chica Channels of Huntington Harbour, adjacent to 16291 Countess Drive, Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of 47 boat slips.

PROPOSED USE:

The continued use and maintenance of a 47-slip marina previously authorized by the Commission, and forty-four 18-inch-diameter reinforced concrete pilings, two gangways, walkways, 47 dock boxes, lighting, water and electrical utilities, a protected eel grass bed, an emergency mooring line/barrier with buoys, and maintenance dredging not to exceed 14,000 cubic yards per year not previously authorized by the Commission.

LEASE TERM:

20 years, beginning May 1, 2015.

CONSIDERATION:

Annual rent in the amount of \$31,709, with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent per terms of the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$3,000,000 per occurrence.

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Other: The Lease contains provisions that: The Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Berth Holders and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. The Lessee shall provide the Commission, on the first anniversary of the Lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The upland property is located along the Main Channel of Huntington Harbour and the historic bed of Anaheim Creek at the present Bolsa Chica Channel. This portion of the Bolsa Chica Channel is what remains of the historic bed of Anaheim Creek following the 1961 land exchange with the Huntington Harbour Corporation.
3. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange entered into between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960, and recorded on January 31, 1961, in Book 5611, Page 470, Official Records, Orange County, California. Projects, including new development or maintenance of existing facilities, extending into these Channels beyond the bulkhead line require a lease from the Commission pursuant to Public Resources Code section 6501.1.
4. On February 12, 1997, the Commission authorized the issuance of a Recreational Pier Lease, PRC 7304.1, to Portofino Cove Yacht Association, to reconstruct flood damaged docks, for a 10-year term, beginning January 1, 1997. That lease expired on December 31, 2006.
5. Applicant is now applying for a new lease for the continued use, maintenance, and operation of 47 boat slips previously authorized by the Commission and authorization for forty-four 18-inch-diameter reinforced concrete pilings, two gangways, walkways, 47 dock boxes, lighting, water and electrical utilities, a protected eel grass bed, an emergency mooring line/barrier with buoys, and maintenance dredging previously unauthorized by the Commission.

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6. The Applicant must obtain and submit all necessary dredging permits from the U.S. Army Corps of Engineers, California Coastal Commission, city of Huntington Beach, and County of Orange with a bathymetric plot of the area to be dredged and a current bathymetric sea grass/eelgrass survey at least 30 days prior to the start of any dredging operation. Dredged material will be disposed of at U.S. Army Corps of Engineers authorized disposal sites and may not be sold.
7. **Existing Facilities:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).
8. **Maintenance Dredging:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Legal Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing Facilities: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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Maintenance Dredging: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Other to Portofino Cove Yacht Association beginning May 1, 2015, for a term of 20 years, for the continued use, maintenance of a 47 boat slips, forty-four 18-inch-diameter reinforced concrete pilings, two gangways, walkways, 47 dock boxes, lighting, water and electrical utilities, protected eel grass bed, emergency mooring line/barrier with buoys, and maintenance dredging not to exceed 14,000 cubic yards per year, on property as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$31,709 with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent per terms of the lease; liability insurance with coverage of no less than \$3,000,000 per occurrence.

EXHIBIT A

PRC 7304.1

LAND DESCRIPTION

A parcel of submerged land in Huntington Harbour and Bolsa Chica Channels in the City of Huntington Beach, County of Orange, State of California, more particularly described as follows:

BEGINNING at the most southerly corner of Lot "H", as said Lot is shown and so designated on that certain map of Tract No. 11716 recorded in Book 537 at Pages 17-19 Miscellaneous Maps, in the office of the County Recorder of said County; thence along the southwesterly extension of the southeasterly line of said Lot 80.00 feet; thence leaving said line northwesterly along the line parallel with the southwesterly line of said Lot 377.73 feet; thence leaving said line North 39° 29' 07" West 205.55 feet to the line parallel with the southwesterly extension of the northwesterly line of said Lot; thence northeasterly along said line 389.00 feet; thence leaving said line South 39° 29' 07" East 215.00 feet to the northeasterly extension of the northwesterly line of said Lot; thence southwesterly along said line 300.00 feet to the most westerly corner of said Lot; thence southeasterly along southwesterly line of said Lot 337.60 feet to the POINT OF BEGINNING.

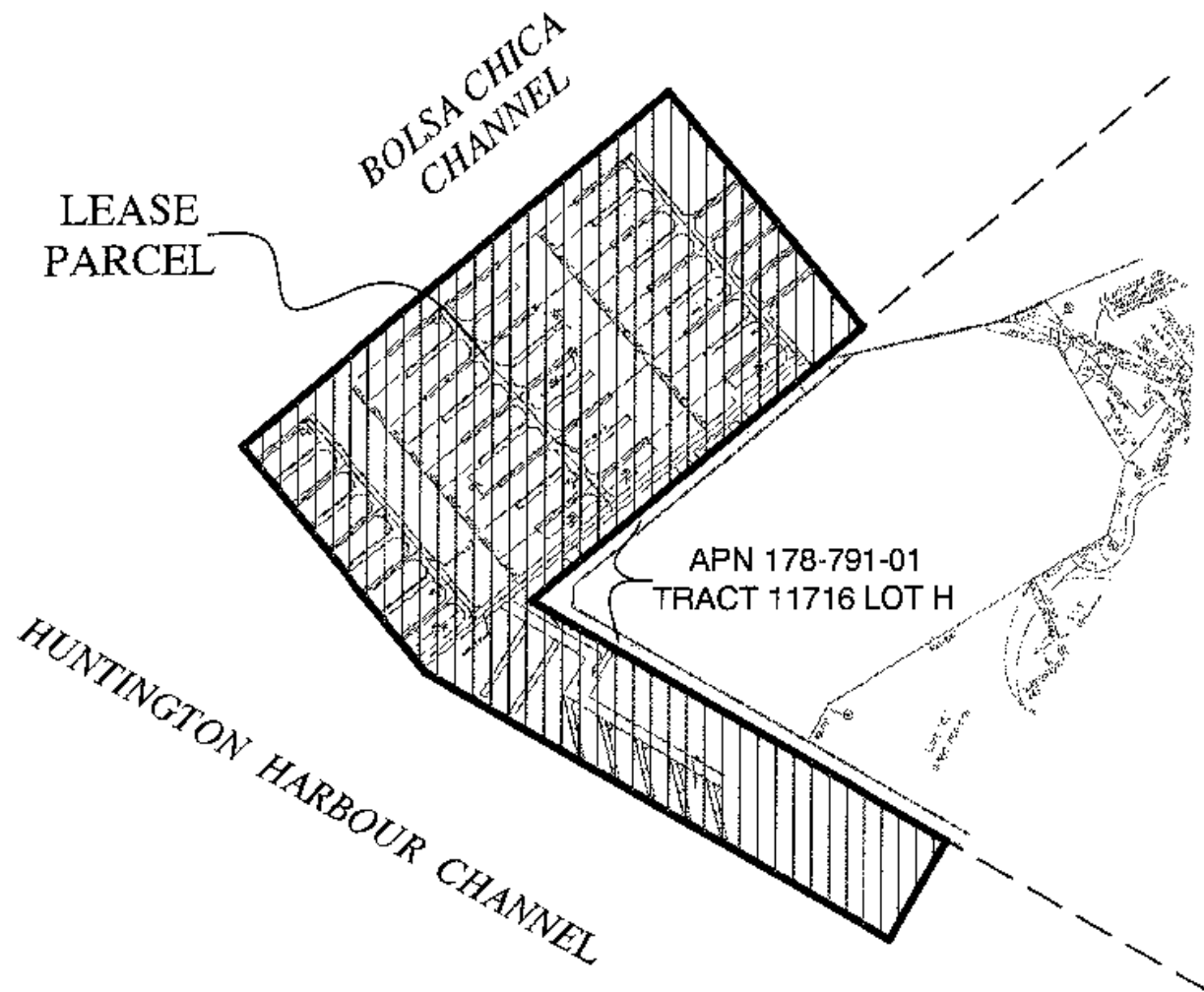
END OF DESCRIPTION

Prepared 02/19/15 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



16291 COUNTESS DRIVE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 7304.1
PORTOFINO YACHT HOA
APN 178-791-01
GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY



TS 02/19/15